



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 21 2016

CERTIFIED MAIL 7014 2870 0000 3318 2961  
RETURN RECEIPT REQUESTED

Douglas Guy, VP of Construction  
Standard Pacific of Florida GP, Inc.  
220 West New England Avenue, Suite 220  
Winter Park, Florida 32789

Re: Notice of Violation  
Reserve at Alaquia Subdivision  
National Pollutant Discharge Elimination System Permit No.: FLR100000  
Identification Number: FLR10NV66

Dear Mr. Guy:

On March 25, 2015, the U.S. Environmental Protection Agency Region 4 conducted a Compliance Stormwater Evaluation Inspection (CSWEI) at the construction site known as the Reserve at Alaquia, located at the intersection of Alaquia Drive and Players Point, Longwood, Seminole County, Florida 32779 of which Standard Pacific of Florida GP, Inc. (Standard Pacific) is the owner and/or operator. The purpose of the CSWEI was to evaluate Standard Pacific's compliance with the requirements of Sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the State of Florida's Generic Permit for Stormwater Discharge from Large and Small Construction Activities, with the identification number National Pollutant Discharge Elimination System Permit No. FLR100000 (Permit) effective in February 2009.

The CSWEI, as described in the inspection report enclosed herewith as Enclosures A-1 and A-2, Standard Pacific's response to the EPA's June 19, 2015, CWA Section 308 Information Request, and subsequent investigative efforts have revealed that Standard Pacific failed to comply with the requirements of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), its implementing regulations at 40 C.F.R. § 122.26, and the Permit. Specifically, the EPA has identified the following violations:

1. *Part V.D.2.c.(5) of the Permit: "The plan shall ensure that the application, generation and migration of toxic substances are limited and that toxic materials are properly stored and disposed."*
  - a. At the time of inspection, paint and paint washing were improperly disposed of on the lot adjacent to Lot #34. See Photo DSCN1551. The Stormwater Pollution Prevention Plan (SWPPP) specifies Lot #44 for the location of paint washouts.

2. *Part V.D.4 of the Permit: "At least once every seven calendar days and within 24 hours of the end of a storm that is 0.50 inches or greater, a qualified inspector (provided by the operator) shall inspect all points of discharge into surface waters of the State or an MS4..."*
  - a. Inspections after rainfall events greater than 0.5 inches as documented in the rainfall log, were not performed within 24 hours following rainfall events on September 6, 2014, September 8, 2014, September 18, 2014, September 20, 2014, September 26, 2014, September 29, 2014, November 29, 2014, February 9, 2015, February 17, 2015, April 12, 2015.
3. *Part V.A of the Permit: "A stormwater pollution prevention plan shall be ...implemented for each construction site covered by this permit."*
  - a. At the time of inspection, portable toilets were less than 5 feet from curb at Lot #37 (Photo DSCN1550), Lot #16 (Photo DSCN1555, 1556), and Lot #21 (Photo DSCN1559). The SWPPP requires that the portable toilet be located at least 5 feet from the curb.
  - b. At the time of inspection, there was evidence of a concrete washout at Lot #16. See Photo DSCN1555 and 1556. The SWPPP designated Lot#44 as the concrete washout location.
4. *Part V.D.6 of the Permit: "All contractors and subcontractors identified in a stormwater pollution prevention plan in accordance with Part V.D.6.a. of this permit shall sign a copy of the following certification statement before conducting any activities at the site:*  
  
*"I certify under penalty of law that I understand, and shall comply with, the terms and conditions of the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities and this Stormwater Pollution Prevention Plan prepared thereunder."*
  - a. In its response to the CWA Section 308 Information Request, Standard Pacific acknowledged that copies of certification statements from the subcontractors were not available.

In addition to the above violations, the following deficiencies were observed at the time of inspection which EPA would like to ensure these do not remain unaddressed:

1. There were un-stabilized areas and improper curb best management practices on Lot #12, 34, adjacent to #32, 29, near #26, and 19. See Photo DSCN1549, 1551, 1552, 1553, 1554, 1557, and 1558. Stabilization measures shall be initiated as soon as practicable, but in no case more than 7 days, in portions of the site where construction activities have temporarily or permanently ceased.
2. There was evidence of vehicle tracking in front of Lot #12 and 16. See Photo DSCN1549 and DSCN1556. BMPs, practices or measures identified in the SWPPP shall be performed in a timely manner, but in no case later than 7 calendar days.
3. Onsite records were not up to date as compared to the records submitted in response to the Section 308 Information Request. A copy of the SWPPP, reports, records and documentation required by the Permit shall be at the construction site as you committed to in your Notice of Intent.

Until compliance with the CWA is achieved, Standard Pacific is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

Please contact Mr. Michael Hom, Environmental Engineer at (404) 562-9748 or via email at [hom.michael@epa.gov](mailto:hom.michael@epa.gov) if you have any questions or concerns. Legal inquiries should be directed to Mr. Wayne Lee, Attorney Adviser, at (404) 562-9523 or via email at [lee.wayne@epa.gov](mailto:lee.wayne@epa.gov).

Sincerely,



James D. Giattina

Director

Water Protection Division

Enclosure

cc: Ms. Jessica Kleinfelter  
Florida Department of Environmental Protection

Mr. Kim Ornberg  
Seminole County

Jeffrey S. Longsworth  
Barnes & Thornburg LLP



U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW, Atlanta, GA 30303  
**Water Compliance Inspection Report**

**FACILITY DATA**

NPDES ID: FLR10NV66

Effective Date: 3/20/2014

Expiration Date: 3/19/2019

Facility Name: Reserve at Alaqua

Address: Alaqua Drive and Players Point, Longwood, Seminole County, FL, 32779

On-Site Representative(s), Title, Phone Number:

Doug Shackelford, Construction Manager  
407-607-5372

Responsible Official, Title, Phone Number, Mailing Address:

Douglas Guy, VP of Construction  
Standard Pacific of Florida GP, Inc.  
220 West New England Ave, Suite 220  
Winter Park, FL 32789  
407-645-6512

**INSPECTION ENTRY DATES/TIMES**

Entry Date/Time: 3/25/2015 1:07 PM

Exit Date/Time: 3/25/2015 2:23 PM

**NAMES OF EPA AND STATE INSPECTORS**

Tara Houda, EPA

Mary Lawrence, FDEP

Michael Hom, EPA

**AREAS EVALUTAEED DURING INSPECTION (Check those areas evaluated)**

<input checked="" type="checkbox"/>	Permit	<input type="checkbox"/>	Self-Compliance Program	<input type="checkbox"/>	Pretreatment
<input checked="" type="checkbox"/>	Records/ Records	<input type="checkbox"/>	Compliance Schedule	<input type="checkbox"/>	Pollution Prevention
<input checked="" type="checkbox"/>	Facility Site Review	<input type="checkbox"/>	Laboratory	<input checked="" type="checkbox"/>	Storm Water
<input type="checkbox"/>	Effluent/ Receiving Waters	<input type="checkbox"/>	Operations & Maintenance	<input type="checkbox"/>	Combined Sewer Overflow
<input type="checkbox"/>	Flow Measurement	<input type="checkbox"/>	Sludge Handling/ Disposal	<input type="checkbox"/>	Sanitary Sewer Overflow

**INSPECTION NOTES**

See attachment.

**USEPA REPRESENTATIVES**

Inspector Signature/Name	Office/Phone Number	Date
 Tara Houda, Env Scientist	USEPA Region 4/WPD-NPEB 404-562- 9762	3/15/2016
 Michael Hom, Env Engineer	USEPA Region 4/WPD-NPEB 404-562-9748	11/2/15
Management Signature/Name	Office/Phone Number	Date
 Dan O'Lone, Stormwater and Residuals Enforcement Section Chief	USEPA Region 4/WPD-NPEB 404-562-9434	3/4/16

# NPDES Construction Stormwater Worksheet (Florida)

## 1. FACILITY LOCATION INFORMATION

GPS Coordinates	Lat (dec)		28.745158	Long (dec)		-81.39965	
Receiving Water(s) or MS4	Little Wekiva River via wetlands			Weather Condition: partly cloudy mid 70F's			
Total site area acres & disturbed acres	12 ac	9 ac	Construction Start Date	3/17/2014	Construction End Date	3/16/2019	
NOI or Coverage Letter posted Part III.C.2	YES		Date of NOI	3/12/2014	Discharge to 303(d) listed or TMDL waters?	YES (via wetlands)	

## 2. BASIC SWPPP INFORMATION

SWPPP TOPICS	Evaluation
SWPPP on site or as specified in NOI? Part VI.B (NOI specified that SWPPP be on project site)	YES
SWPPP certified? Part V.B.a	YES
SWPPP modified or update to current conditions? Part V.C	YES
SWPPP identifies all contractors/subcontractors with certification? Part V.D.6 (no certification statements from subs in response to Section 308)	NO
SWPPP identifies all potential sources of pollutants? Part V.A	YES
Construction schedule describes the intended sequence and implement date of BMPs? Part V.D.1.b (a general schedule for an individual lot)	YES
Direction of stormwater flows and slopes identified on map? Part V.D.1.e	YES
Major structural and nonstructural BMP controls located on map? Part V.D.1.e	YES
Name of receiving water(s)/wetland(s) or MS4 listed on map? Part V.D.1.e	YES
Stormwater discharge/outfall location(s) identified on map with lat-long? Part V.D.1.e & f	YES
Address post-construction stormwater management measures? Part V.D.2.b	YES
BMP maintenance requirements consistent with permit & good engineering practices? Part V.D.3	YES
<i>A copy of the SWPPP may be brought back to the office for a complete review</i>	

## 3. SITE DESCRIPTION and SWPPP

- Permittee is the vertical construction contractor. The project site consists of 44 individual lots with a total of approximately 9 disturbed acres within an established subdivision. All land development activities were completed prior to the vertical construction. BMPs are based on individual lots. The SWPPP was prepared by Alpha Environmental Management Corp, LLC on 3/7/2014. Typical lot BMPs include silt fence along lot boundary if directly adjacent to wetlands or waters of the state, curbside BMP, inlet protection downstream of active lot, and portable toilet placement of at least 5 feet from curb. BMP map indicated one discharge point located at 28° 44' 35.93", -81° 24' 0.136".

**4. RECORDS REVIEW**

<b>Records Review</b>	<b>Evaluation</b>
<b>Representative on-site?</b>	YES
<b>Records (SWPPP/reports/documentation) available on-site? Part VI.B (Onsite records not up to date. See comment below)</b>	NO
<b>Stabilization measures initiated within 7 days after construction has ceased in an area? Part V.D.2.a.(1)</b>	NE
<b>Inspections conducted once/7 days &amp; within 24 hrs after <math>\geq 0.50</math> in of rain? Part V.D.4. (Not w/in 24 hours after rainfall event. See comment below.)</b>	NO
<b>Inspections conducted by qualified personnel of discharge points, disturbed areas without final stabilization, areas for storage of materials exposed to precipitation, structural controls, entrance/exit? Part V.D.4</b>	YES
<b>Inspection reports complete and adequate? (ID non-compliance or certification of compliance) Part V.D.4.c</b>	YES
<b>Inspection reports signed &amp; certified? Part VII.C</b>	YES
<b>Date of the latest inspection report and brief description of findings</b> <ul style="list-style-type: none"> <li>Responsive action items completed from prior inspection of May 15<sup>th</sup>.</li> <li>Add perimeter silt fence at Lot 34.</li> <li>Sweep streets.</li> </ul>	5/22/2015
<b>Maintenance/corrective actions taken within 7 calendar days of inspection? Part V.D.4.b (May 29, 2015 inspection recorded items from May 22<sup>nd</sup> inspection completed.)</b>	YES

**5. OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS**

<b>Outfall, Stormwater Discharge &amp; Receiving Water</b>	<b>Evaluation</b>	<b>Comments</b>
<b>Number &amp; location of stormwater discharge(s)/outfall(s) consistent with the SWPPP?</b>	YES	One outfall into water hazard of the development golf course.
<b>Evidence of off-site accumulation of sediment observed in receiving water?</b>	NO	
<b>Other discharges or potential discharges off-site (not through permitted outfalls)?</b>	NE	
<b>Non-stormwater discharge observed?</b>	NO	

**6. FIELD EVALUATION & SWPPP IMPLEMENTATION**

<b>Structural Practices Part V.D.2</b>	<b>Check BMPs</b>	<b>Note location, quantitative description, design issue, O&amp;M deficiencies (including the nature and extent), and sediment off-site</b>
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<b>Part V.D.2.a.(2)</b>	<b>Listed in the SWPPP</b>	
<b>Silt Fences</b>	YES	SWPPP requires silt fence at rear of lot that is adjacent to a stormwater pond, waterbody of the state, or wetlands. Silt fence on side if adjacent to occupied home as courtesy.
<b>Storm Drain Inlet/Outlet Protection (Specify: Filter Fabric, Gravel Bags, etc.)</b>	YES	SWPPP requires protection downstream of active lot.
<b>Sedimentation Basin (required for every 10 disturbed acres drained or equivalent controls) Part V.D.2.a.(3)</b>	NA	Project is less than 10 disturbed acres.
<b>Other Structural Practices</b>	NE	
<b>Stabilization Practices Part V.D.2.a.(1) Part V.D.3</b>	<b>Check BMPs Listed in the SWPPP</b>	<b>Temporary or permanent stabilization must be initiated w/in 7 days on portions of site where construction activities have temporarily or permanently ceased</b>
<b>Seeding</b>	NE	
<b>Mulching</b>	YES	There were un-stabilized areas and improper curb best management practices on Lot #12, 34, adjacent to #32, 29, near #26, and 19. See Photo DSCN1549, 1551, 1552, 1553, 1554, 1557, and 1558.
<b>Sodding</b>	NE	
<b>Geotextiles</b>	NE	
<b>Other Stabilization Practices</b>	NE	
<b>Other BMP Controls to Reduce Pollutants</b>	<b>Check BMPs Listed in the SWPPP</b>	<b>Comments</b>
<b>Proper Disposal of Construction Debris, Chemicals, Litter &amp; Sanitary Waste Part V.D.2.c.(1)</b>	NE	
<b>Off-site Vehicle Tracking or Dust Control Part V.D.2.c.(2)</b>	YES	At time of inspection, evidence of vehicle tracking from Lot # 12 and #16. See Photo DSCN1549 and DSCN1556.
<b>Proper Storage &amp; Control of Toxic Substances (ie, paint, solvents, petroleum, etc.) Part V.D.2.c.(5)</b>	YES	<i>SWPPP indicate paint washout is located on Lot #44. During time of inspection, witnessed subcontractor was washing paint onto adjacent lot of Lot #34 other than designated area. See Photo DSCN1551.</i>
<b>Concrete Wash Down Control</b>	YES	<i>Located on Lot #44 per SWPPP. At time of inspection, there was evidence of concrete washout at Lot #16. See Photo DSCN1555 and 1556.</i>

Other Practices (ie, truck wash area, fueling containment, control areas for maintenance, & SPCC)

YES

*SWPPP requires portable toilet be located at least 5 feet from curb. At time of inspection, portable toilets were less than 5 feet from curb at Lot #37 (Photo DSCN1550), Lot #16 (Photo DSCN1555,1556), and Lot #21 (Photo DSCN1559).*

Exit interview conducted with:

Douglas Guy

**Additional inspection summary, narrative, findings, comments, etc, as necessary:**

- During exit interview, items discussed:
  - Un-stabilized lots
  - Rainfall monitoring unknown
  - Portable toilets locations too close to curbs
  - Paint washing other than paint washout location
  - Vehicle tracking
  - Spilled concrete located other than washout location
  - Lacked specific records
- Information on site was not sufficient to complete inspection checklist. Clean Water Act (CWA) Section 308 Request for Information letter was sent to Standard Pacific on June 19, 2015. CWA Section 308 Response received on July 16, 2015.
- CWA Section 308 Information:
  - Standard Pacific of Florida GP, Inc. is the owner and developer of individual lots at the Reserve at Alaqua. The Reserve at Alaqua consists of 44 lots;
  - Copy of SWPPP written by Alpha EMC;
  - Copy of SWPPP site map;
  - Copy of Alpha inspection reports;
  - Copy of rainfall log and source as NOAA;
  - Copy of inspector certifications.
- *SWPPP require portable toilet be located at least 5 feet from curb. At time of inspection, several portable toilets were less than 5 feet from curb. (Part V.A)*
- *Inspections after rainfall events >0.5 inches as documented in the rainfall log, were not performed within 24 hours following rainfall events on September 6, 2014, September 8, 2014, September 18, 2014, September 20, 2014, September 26, 2014, September 29,2014, November 29, 2014, February 9, 2015, February 17, 2015, April 12, 2015. (Part V.D.4)*
- *Observed individual washing paint from brush on active lot at time of inspection. (Part V.D.2.c.(5))*
- *At time of inspection, there was evidence of concrete washout at Lot #16. See Photo DSCN1555 and 1556.*
- *Part V.D.6 of the Permit requires certification statements from subcontractors. CWA Section 308 response did not include these statements.*
- At time of inspection, evidence of vehicle tracking from Lot # 12 and #16. See Photo DSCN1549 and DSCN1556.
- There were un-stabilized areas and improper curb best management practices on Lot #12, 34, adjacent to #32, 29, near #26, and 19. See Photo DSCN1549, 1551, 1552, 1553, 1554, 1557, and 1558.
- Records submitted through the Section 308 request for information and records reviewed on site indicated on-site records were not up to date.
- Although rainfall data are obtain from NOAA, copies of current data should be maintained on site with the SWPPP.



## ENCLOSURE A-2

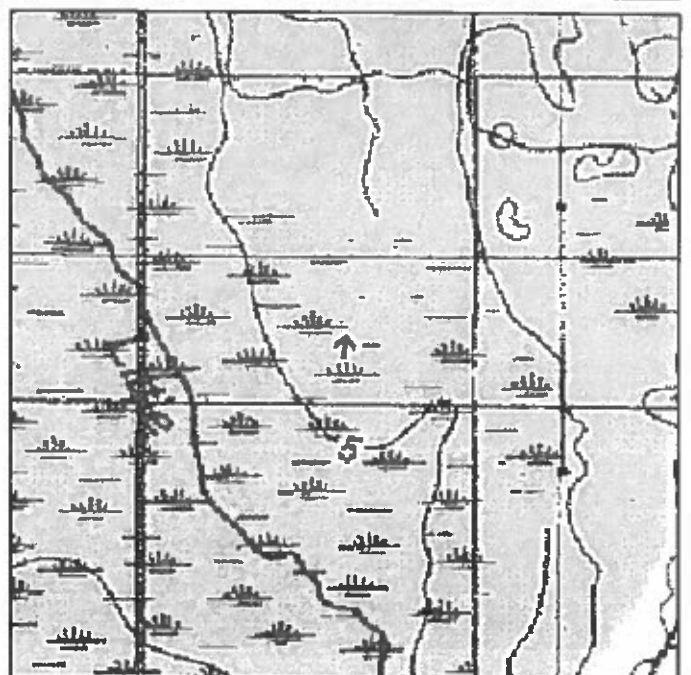
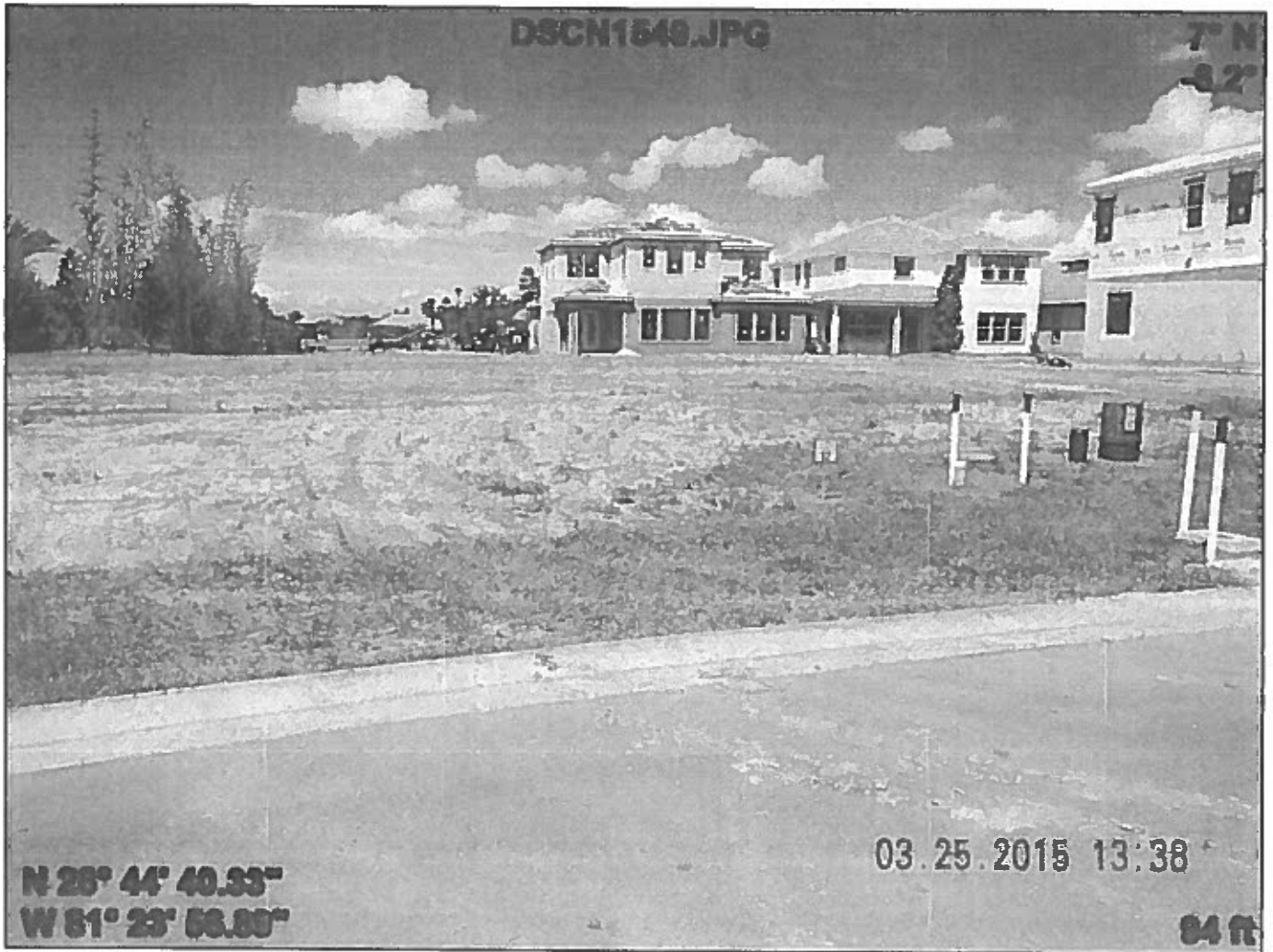
### Standard Pacific's The Reserve at Alaqua Stormwater Inspection FLR10NV66

March 25, 2015  
US EPA - Region 4



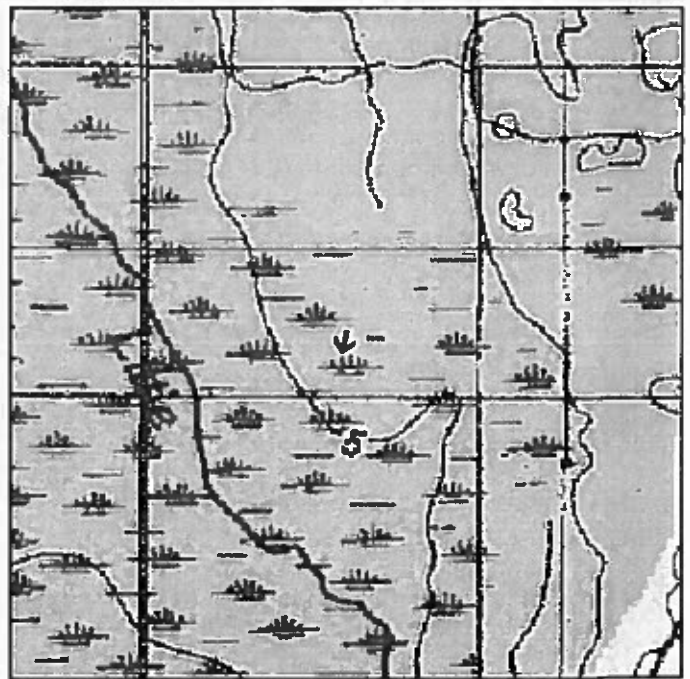
#### Overview Map





#### Attributes

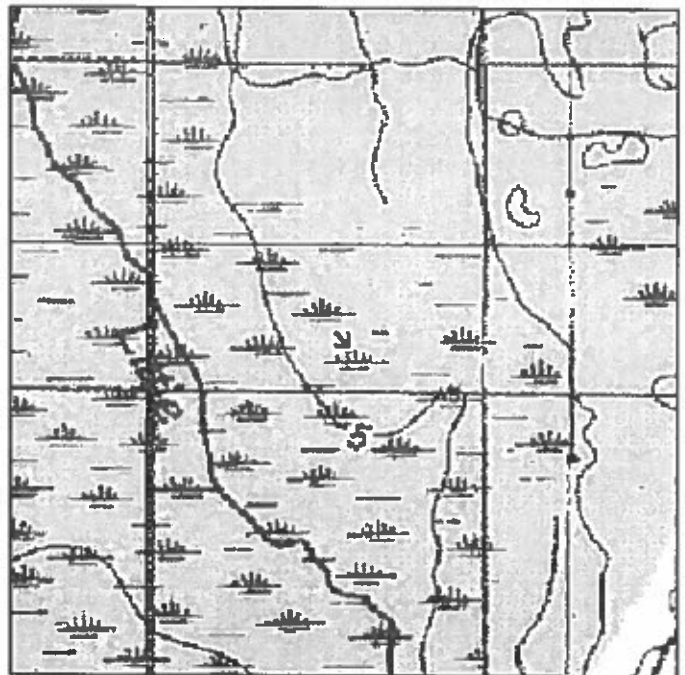
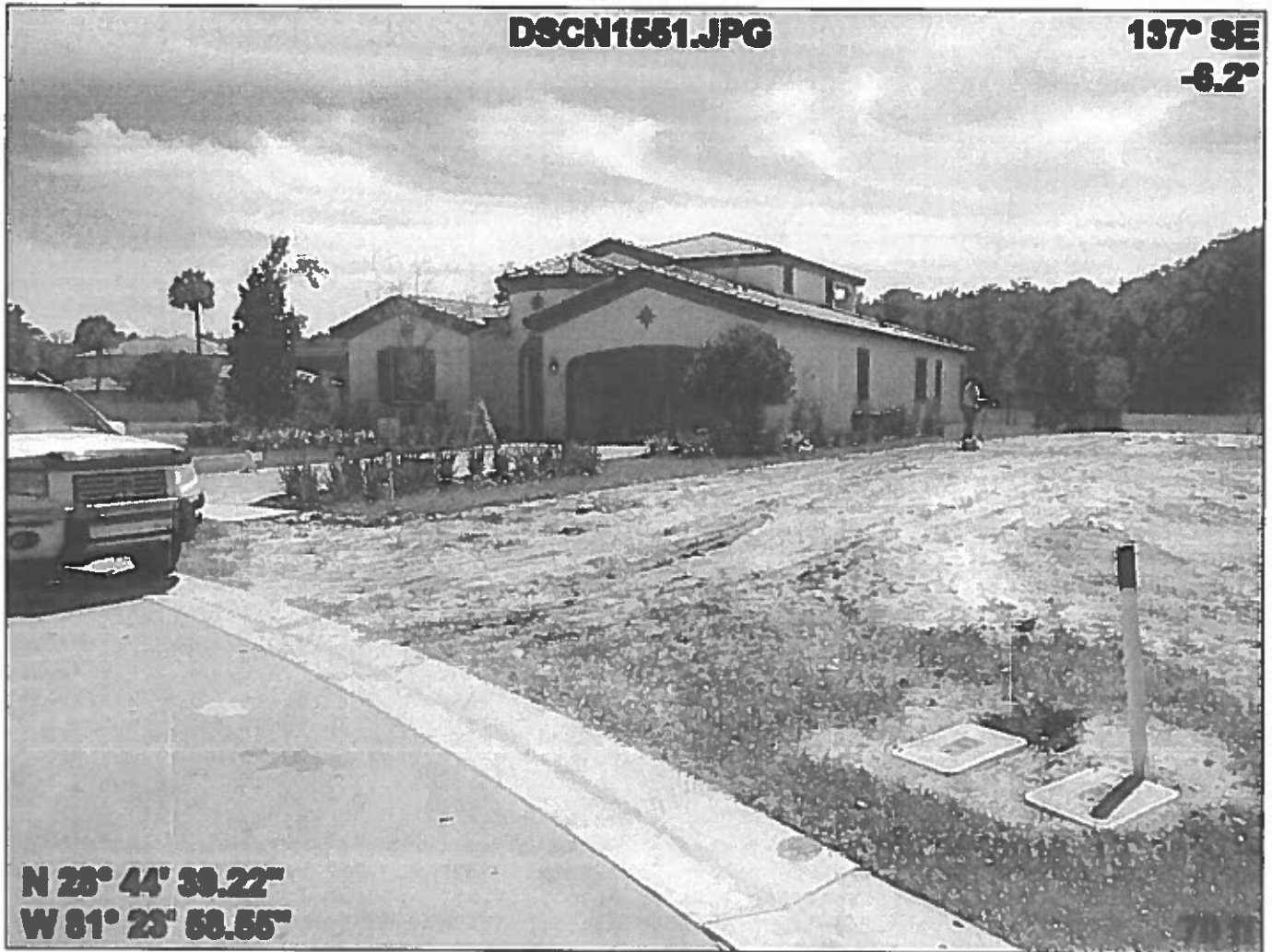
Description: undeveloped lot with un-stabilized areas, vehicle tracking at Lot #12.



#### Attributes

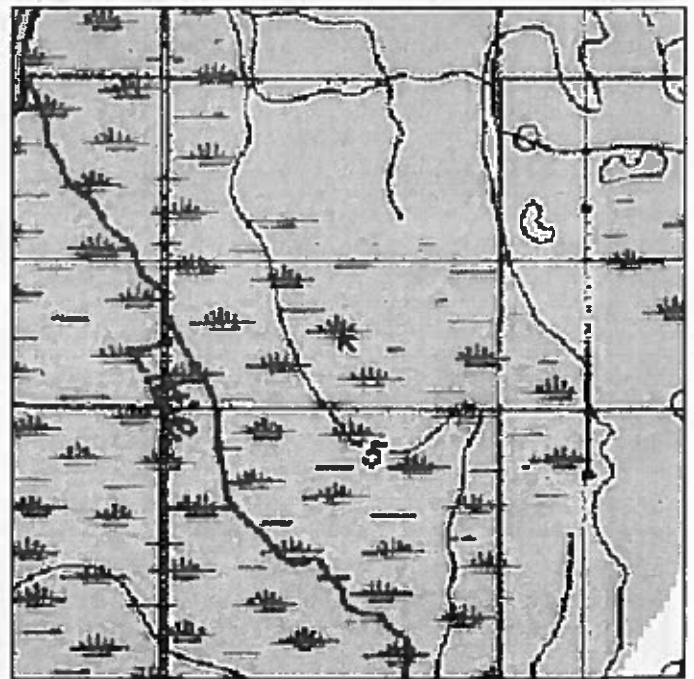
Description: portable toilet location within 5 feet of curb at Lot#37.





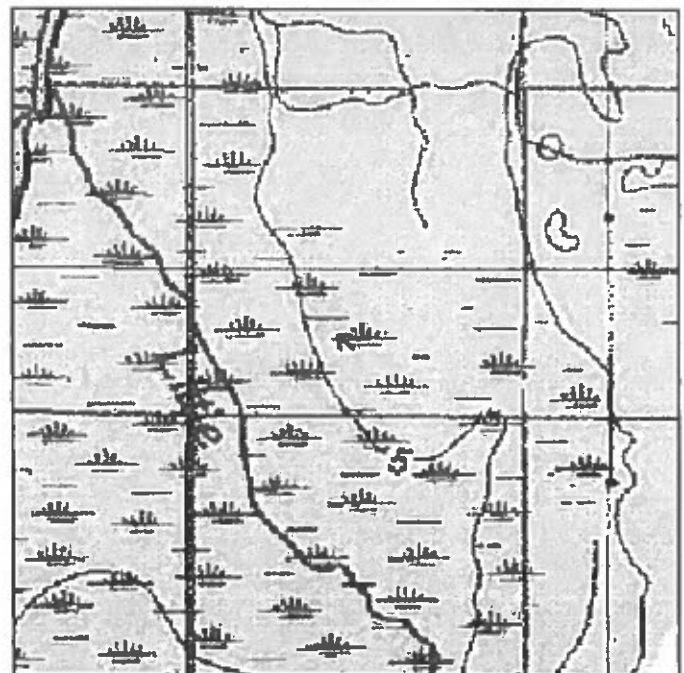
#### Attributes

Description: paint washout activity, un-stabilized areas, lack curb BMP at Lot#34.



**Attributes**

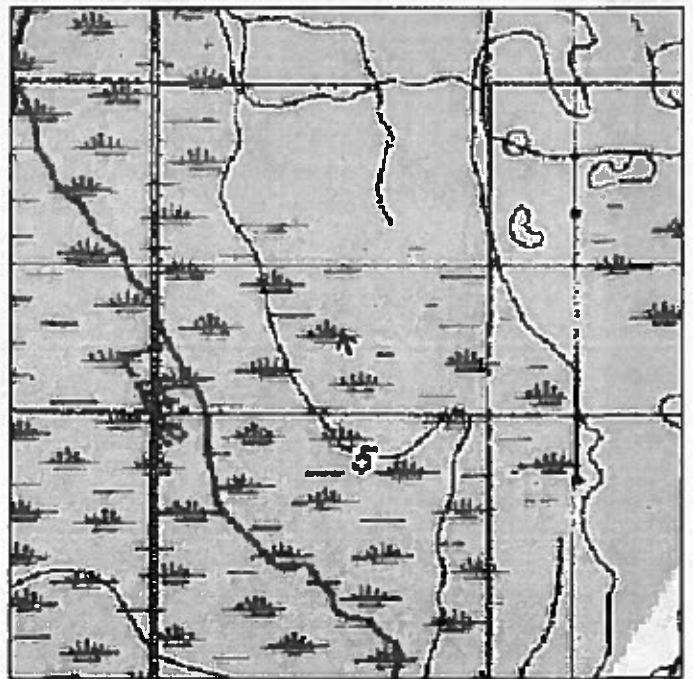
Description: undeveloped lot with un-stablized areas next to Lot #32.



**Attributes**

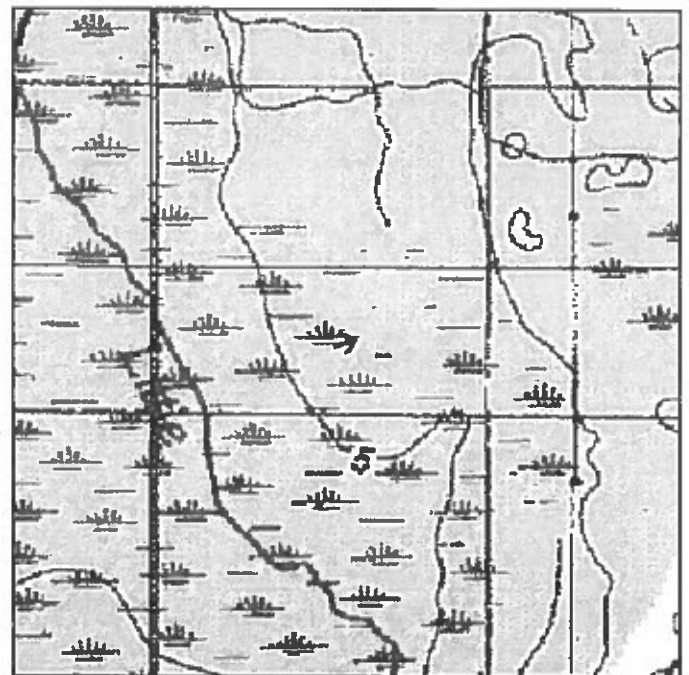
Description: undeveloped lot with un-stablized areas at Lot #29.





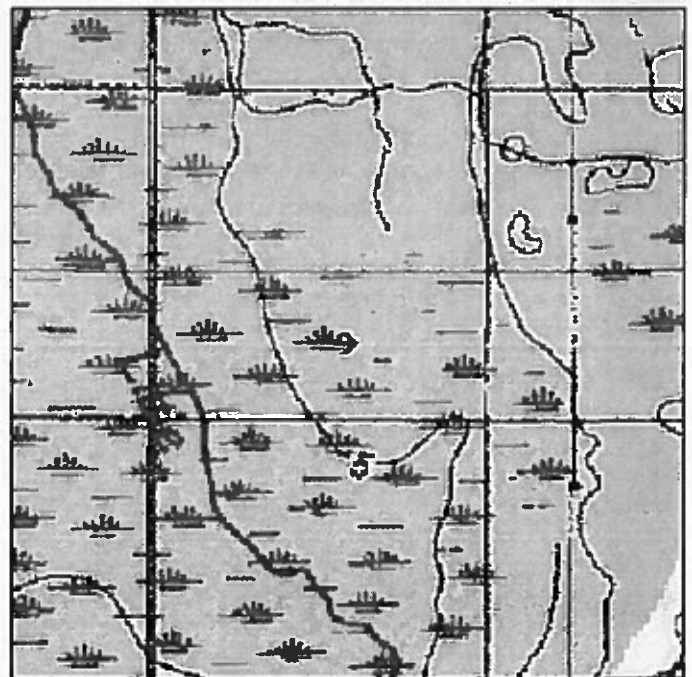
#### Attributes

Description: undeveloped area with up-stabilized areas near Lot #26.



#### Attributes

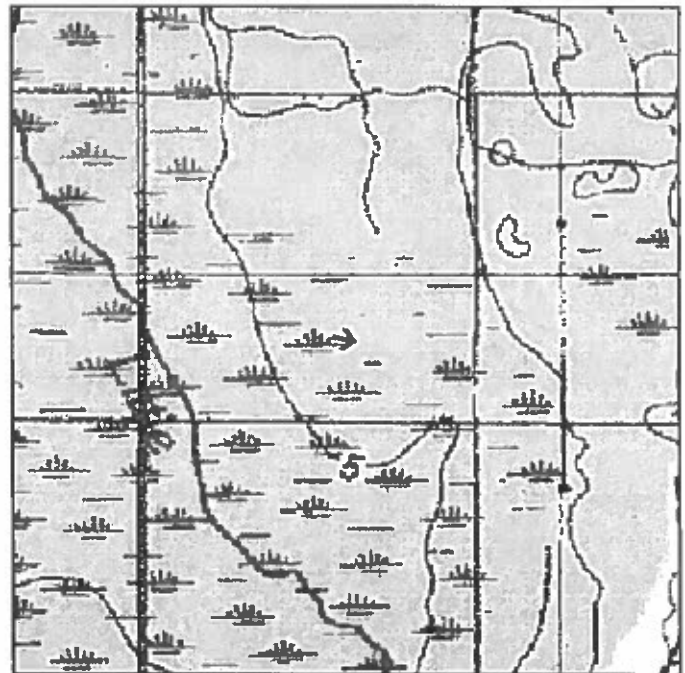
Description: portable toilet located within 5 feet of curb. Vehicle tracking and concrete washout from Lot #16.



#### Attributes

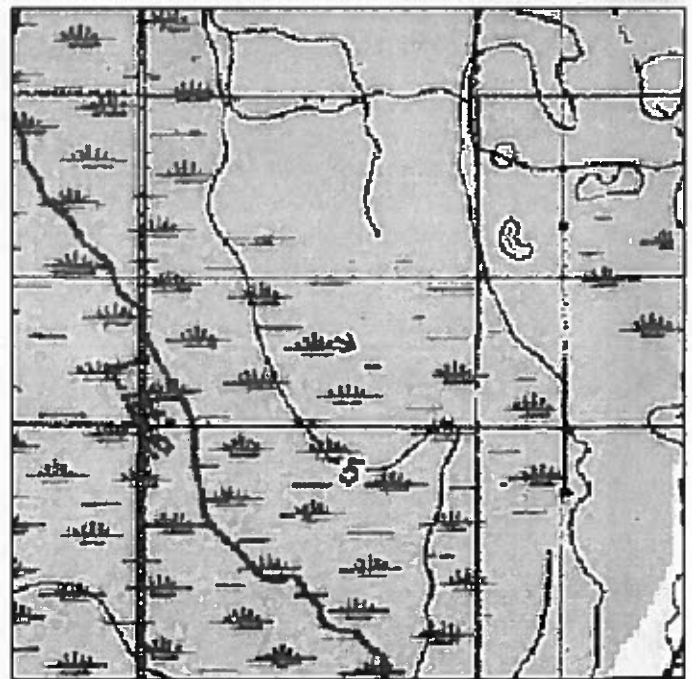
Description: portable toilet located within 5 feet of curb. Vehicle tracking and concrete washout from Lot #116.





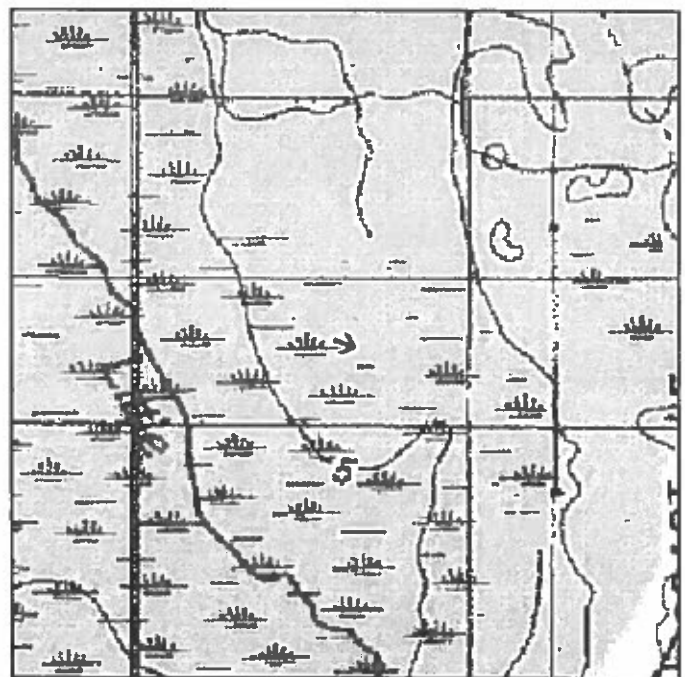
#### Attributes

Description: close up of un-stabilized area at Lot #19.



#### Attributes

Description: undeveloped Lot #19 with marginal BMP curb.



#### Attributes

Description: portable toilet within 5 feet of curb at Lot #21.